FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.5104 OF 2005
IN
FIRST APPEAL (ST) NO.2534 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Amit Shroff, for the applicants.
Mr K.D.Shah, for respondent no.1.

CORAM: D.B.BHOSALE,J.
DATED: 01.12.2006

P.C.:

Heard the learned counsel for the parties.

This court, by order dated 3.4.2006, had allowed the applicants/appellants to act as agents of the court receiver in terms of clause (ii) of the operative part of the decree to complete the construction and obtain occupation certificate in respect of the suit flat within a period of three months from the date on which they were permitted to act as agents. Mr.Shroff, learned counsel for the applicants, submits that in pursuance of this order, they have completed the construction and obtained the occupation certificate. However, still they have not provided with water connection and

electric supply to the flat which, according to him, will be supplied within two weeks from today. He further invited my attention to the order of R.S.Mohite, J. in Chamber Summons no.925 of 2006.

By order dated 3.4.2006, in the present application, the learned Single Judge had observed that further orders on the question whether the respondent no.1can be appointed as the agent of the court receiver to occupy the flat will be considered at the time of hearing of the civil application. Since the appellants/applicants have completed the work and obtained the occupation certificate and considering the submissions of the learned counsel for the parties, I am satisfied that the following order shall meet the ends of justice.

(a) The applicants/appellants shall vacate the suit flat within two weeks from today and hand it over to the Court Receiver. The Court Receiver shall thereafter allow respondent no.1 to occupy the flat as his agent on the same terms and conditions, without security and royalty, subject to outcome of the appeal.The

applicants/appellants shall provide water and electric connection to the suit flat before they hand over the possession to the court receiver.

Respondent no.1 shall pay the monthly outgoings/maintenance charges of the flat and shall file an undertaking in this court within four weeks from the date of getting possession that he shall not create third party rights in the flat. The usual agency agreement be executed before handing over possession of the suit flat to respondent no.1. The civil application is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(D.B.BHOSALE,J.)